

**873—4.6(85,86,17A) Original notice and petition.** A petition or application must be delivered or filed with the original notice unless original notice Form 100, Form 100A or Form 100B of the division of industrial services is used.

The original notice Form 100, Form 100A, Form 100B, Form 100C, or a determination of liability reimbursement for benefits paid and recovery of interest form shall provide for the data required in Iowa Code section 17A.12(2) and shall contain factors relevant to the contested case proceedings listed in 4.1(85,85A,85B,86,87,17A). The Form 100 is to be used for all contested case proceedings except as indicated in this rule. The Form 100A is to be used for the contested case proceedings provided for in subrules 4.1(11) and 4.1(12). The Form 100B is to be used for the contested case proceeding provided for in subrule 4.1(8). The Form 100C is to be used for the contested case proceeding provided for in subrule 4.1(14) and rule 4.48(17A,85,86). The application and consent order for payment of benefits under Iowa Code section 85.21 is to be used for contested case proceedings brought under Iowa Code section 85.21. When a commutation is sought, the Form No. 9 or Form No. 9A must be filed in addition to any other document. The petition for declaratory ruling, approval of attorney fees, determination of compliance and other proceedings not covered in the original notice forms must accompany the original notice.

At the same time and in the same manner as service of the original notice and petition the claimant shall serve a patient's waiver using Form 309-5173 (authorization for release of information regarding claimants seeking workers' compensation benefits) which shall not be revoked until conclusion of the contested case.

A separate date of injury shall be alleged and a separate original notice and petition shall be filed on account of each injury, gradual injury, occupational disease or occupational hearing loss alleged by an employee. If more than one injury, gradual injury, occupational disease or occupational hearing loss is included in the same original notice and petition, the industrial commissioner shall enter an order requiring filing of separate original notices and petitions. If a required correction is not made by a date specified in the order, the original notice and petition shall automatically be dismissed without prejudice without entry of further order. See rule 4.36(86). If correction is made within the specified time, the initial filing shall be sufficient to have tolled the statute of limitations.

Claimant shall cooperate with respondents to provide patients' waivers in other forms and to update patients' waivers where requested by a medical practitioner or institution.

This rule is intended to implement the provisions of Iowa Code sections 85.27, 85.45, 85.48, and 17A.12.